

REMARKS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter which applicant regards as the invention.

Claims 1, 4, 6-9 and 12-14 stand rejected as being anticipated by US 6,260,835 to Angles et al.

Angles teaches several damper or strut mounting assemblies and methods. In one embodiment, illustrated in Figs. 1-1A, Angles teaches a vehicle body 6 having a cap-shaped dome in which a joint buffer 4a of the strut 1 is received. The strut 1 includes a spring plate 16 from which a series of rivet bolts 8 extend. The rivet bolts 8 have enlarged heads that are spaced upwardly from the spring plate 16 and are adapted to be received in keyhole shaped slots 9 formed in the body radially outboard of the cap-shaped dome (Figs. 1-1A). As described at Col. 4, lines 56-62, a safety device 23 acting on at least one of the rivets 8 may prevent detachment of the connection. The safety device may be either a screw inserted into the rivet 8 from above (see Fig. 1), or a tang-like stop formed in the body 6.

With reference to amended claim 1, Angles does not teach or suggest a vehicle body closed section, but rather merely teaches a cap-shaped dome that is completely open in a downwardly facing direction. More specifically, Angles does not teach or suggest a "closed section includes an upper wall, a sidewall, and a lower wall that are attached to one another so as to define an interior space", as required. With continued reference to claim 1, Angles does not teach or suggest

"said lower wall having an opening through which the damper upper portion is inserted into the interior space, and said lower wall further defining bores that are disposed between said opening and said sidewall, said bores assisting in fixing the damper mounting portion to the lower wall of the vehicle body frame closed section", as required. Rather, Angles does not provide the 'lower wall' and does not teach or suggest 'bores' formed in the lower wall at a location between the opening and the sidewall. In this regard, it is noted that the only openings or bores (keyhole shaped slots) provided by Angles are at a location outward of the 'sidewall' and are formed in a structure that is distinct from the lower wall as this portion of the Angles frame or body does not cooperate to define the 'closed section' having an 'interior space', as required. In light of the foregoing, claim 1, and claim 13 that depends therefrom, are considered to be allowable.

Claim 4 has been cancelled, so the rejection thereof is moot.

With regard to claim 6, the Angles reference does not teach or suggest "said vehicle body frame comprising a plurality of members that are secured to one another so as to define a substantially closed section having an interior space". As noted previously, Angles teaches a structure having a cap-shaped dome that is open at a bottom thereof, and cannot be interpreted as teaching a 'closed section having an interior space' as required. With further reference to amended claim 6, Angles does not teach or suggest that "said plurality of members including a lower member that forms a bottom of said closed section, said lower member defining an opening, a locking bore, and a bolt bore, said locking bore and said bolt bore being radially spaced from said opening, each of said opening, said locking bore, and said bolt bore communicating with said interior space". Clearly, Angles does not teach a

damper that is mounted to a lower member of a closed section in the manner required by claim 6. Reconsideration and withdrawal of the rejection of claim 6 is hereby requested. Claims 7-9 and 12 depend from claim 6 and are likewise considered to be allowable over the Angles reference.

Claims 2, 3, 5, 10, 11, and 15 stand rejected as being unpatentable over Angles in view of US 6,161,822 to Hurst. For the following reasons, the Examiner's rejections are traversed.

Hurst teaches assembling a damper upper mount assembly by fixing an upper plate 18 to a lower plate 20 (Fig. 2). The lower plate 20 includes projections or tabs 39 that are received over associated projections or tabs 41 on the upper plate 18. Once the plates are rotated to bring the tabs into engagement, the upper and lower plates 18, 20 are fixed together by fasteners 44. It is specifically pointed out that this structure and method relates to assembly of the damper, not attachment of the damper to the vehicle. In this regard, the Examiner is referred to Col. 3, lines 60-62 of Hurst.

Once the damper is assembled, the damper is attached to a tower 15 of the vehicle body by trapping the tower between a washer 17 and an upper plate 18 (Col. 2, line 64 to Col. 3, line 1).

Accordingly, Hurst teaches a structure and method for assembly of an upper mount of a damper. However, Hurst does not teach or suggest a structure and method for securing a damper to a vehicle body frame, which is the subject of the present invention. Therefore, it is respectfully submitted that even if the references were combined, the present invention would not result.

It is respectfully submitted that many of the arguments set forth hereinbefore

with reference to claim 1 are equally applicable to claim 2. Moreover, it is noted that neither of the cited references teach or suggest that "said damper mounting portion and vehicle body are configured such that the fasteners are installed in said mounting portion and said body from below said body". Both Angles and Hurst teach securing a damper mounting portion to the vehicle body from above, which is contrary to the invention defined in claim 2. Accordingly, even if the references were combined, the invention defined in claim 2 could not result. Claim 3 depends from claim 2 and is likewise considered to be allowable.

With reference to method claim 5, it is respectfully submitted that none of the cited art teach or suggest the steps of:

- (d) rotating said damper such that said locking projection moves relative to said locking bore and is disposed adjacent said lower member upper surface and out of alignment with said locking bore while simultaneously moving said mounting portion bolt bore into alignment with said lower member bolt bore; and,
- (e) inserting a bolt through said aligned bolt bores to secure the damper to the vehicle body frame

With regard to step (d), it is noted that none of the cited art teaches a 'bolt bore', and therefore cannot teach 'simultaneously moving said mounting portion bolt bore into alignment with said lower member bolt bore", as required.

With regard to step (e), it is noted that none of the cited art teaches 'inserting a bolt through said aligned bolt bores", as required. The Angles reference, at best, teaches inserting a screw from above into the rivet. Clearly, this teaching of Angles is not equivalent to aligning bolt bores and inserting a bolt into such aligned bolt bores, as required by the invention defined in claim 5. Accordingly, even if the references were combined, the invention defined in claim 5 would not result.

Therefore, claim 5 is considered to be allowable over the art of record, and notice to

that effect is hereby requested.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0160, our Order No. OCH-15285.

Respectfully submitted,

RANKIN, HILL, PORTER & CLARK LLP

By


David E. Spaw, Reg. No. 34732

4080 Erie Street
Willoughby, Ohio 44094-7836
(216) 566-9700